IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 23377 of 2007(G)

PETITIONER:

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1. PRIYA L.G.,
   LECTURER IN ECONOMICS, V.T.M.N.S.S. COLLEGE,
   DHANUVACHAPURAM, THIRUVANANTHAPURAM.

2. SHAIJUMON C.S.,
   LECTURER IN ECONOMICS, V.T.M.N.S.S. COLLEGE,
   DHANUVACHAPURAM, THIRUVANANTHAPURAM.

3. SALINI V.,
   LECTURER IN ECONOMICS, N.S.S.COLLEGES, CHERTHALA.

4. MINI M.NAIR,
   LECTURER IN ECONOMICS, M.G.COLLEGE,
   THIRUVANANTHAPURAM.

5. KISHORE H.,
   LECTURER IN ECONOMICS, M.G.COLLEGE,
   THIRUVANANTHAPURAM.

6. DR. USHAKUMARI K.P.,
   LECTURER IN HINDI, N.S.S.COLLEGE, NILAMEL.

7. DR. LEKHA S.NAIR,
   LECTURER IN HINDI, V.T.M.N.S.S. COLLEGE,
   DHANUVACHAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY TO GOVERNMENT,
   HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
   EDUCATION, KOLLAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE

EDUCATION, ERNAKULAM.

4. THE MANAGER,
N.S.S.COLLEGES CENTRAL COMMITTEE,
CHANGANACHERRY.

5. THE PRINCIPAL,
V.T.M.N.S.S. COLLEGE, DHANUVACHAPURAM,
THIRUVANANTHAPURAM.

BY SR. GOVT. PLEADER SRI. T.T. MUHAMOOD
ADV. SRI.P.G.PARAMESWARA PANICKER (SR.), SC, NSS
SRI.P.GOPAL
SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 23377/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1.	COPY OF THE NOTIFICATION ISSUED BY THE 4TH RESPONDENT MANAGEMENT
EXT.P1(a).	COPY OF THE NOTIFICATION ISSUED BY THE 4TH RESPONDENT MANAGEMENT
EXT.P2.	COPY OF THE APPOINTMENT ORDER ISSUED TO THE 1ST PETITIONER
EXT.P2(a).	COPY OF THE APPOINTMENT ORDER ISSUED TO THE 2ND PETITIONER
EXT.P2(b).	COPY OF THE APPOINTMENT ORDER ISSUED TO THE 3RD PETITIONER
EXT.P2(c).	COPY OF THE APPOINTMENT ORDER ISSUED TO THE 4TH PETITIONER
EXT.P2(d).	COPY OF THE APPOINTMENT ORDER ISSUED TO THE 5TH PETITIONER
EXT.P2(e).	COPY OF THE APPOINTMENT ORDER ISSUED TO THE 6TH PETITIONER
EXT.P2(f).	COPY OF THE APPOINTMENT ORDER ISSUED TO THE 7TH PETITIONER
EXT.P3.	COPY OF THE APPOINTMENT ORDER ISSUED BY THE UNIVERSITY DT. 5.5.07
EXT.P4.	COPY OF THE APPROVAL ORDER ISSUED BY THE UNIVERSITY DT. 5.5.07
EXT.P5.	COPY OF THE COMMUNICATION ISSUED BY THE DEPUTY DIRECTOR DT. 29.5.07
EXT.P6.	COPY OF THE COMMUNICATION ISSUED BY THE DEPUTY DIRECTOR DT.30.6.07

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 23377 OF 2007

Dated this the 20th day of August, 2007

J U D G M E N T

Petitioners 1 to 5 were appointed as Lecturers in the Department of Economics in various colleges under the management of respondent No.4. Similarly respondents 6 and 7 were appointed in the Department of Hindi in two other colleges under the same management.

2. According to the petitioners, all these appointments were made after a due selection process pursuant to the notification issued in this regard. They further contend that the appointments were made against regular vacancies and sanctioned posts. Exts. P3 and P4 orders will show that the University of Kerala had approved the above appointments. However, the Deputy Directors of collegiate Education at Kollam and Ernakulam refused to countersign the salary bills of the petitioners on the ground that there was nothing on record to show that the Government had sanctioned the above posts. The concurrence of the Government was also not obtained before making appointments.

3. It is contended by the petitioners that the Deputy Director concerned ought to have reverted back to the University in case there was any doubt regarding the availability of vacancies or non-sanctioning of the post in question. Learned counsel invites my attention to the latest

decision rendered by a Division Bench of this Court in Writ Appeal 940/07 and connected cases. Anyhow, in view of the fact that the University had approved the appointment of the petitioners and in the absence of any material produced by the Directorate to show that the posts in question were not sanctioned by the Government, I am satisfied that there is considerable force in the contention raised by the petitioners. In any view of the matter, the stand taken by the Directorate cannot be justified. However, I hasten to add that it will be open to the Deputy Director concerned to approach the University to seek clarifications in the matter, if so advised. If the University takes the view that the appointments were made against posts for which sanction/concurrence of the Government was necessary or that there was sufficient work load in the Colleges, it will be open to the Directorate to take appropriate decision in the matter. Anyhow, this process shall be completed within one month from the date of receipt of a copy of this judgment. Respondents 2 and 3 shall ensure that the salary and allowances payable to the petitioners are disbursed, within three months from today, if there is no other legal impediment.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007